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2:17-cv-02000-APG-GWF

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

REVMOUNTAIN, LLC, *et al.*,

Defendants.

Case No:

**DECLARATION REGARDING
EMERGENCY MOTIONS PURSUANT
TO LOCAL RULE 7-4**

FILED UNDER SEAL

I, Sarah Waldrop, hereby declare as follows:

1. I am over twenty-one years of age and a citizen of the United States. I am one of the attorneys representing the Federal Trade Commission ("FTC" or "Commission") in the above-captioned action.

1 2. I am a member in good standing of the bar of Maryland. My work address is
2 Federal Trade Commission, 600 Pennsylvania Avenue, NW, Mail Stop CC-9528, Washington,
3 DC 20580. Unless stated otherwise, I have personal knowledge of the facts stated herein and, if
4 called as a witness, would competently testify thereto.

5 3. I submit this certification pursuant to Local Rule 7-4 ("Emergency Motions" in
6 support of the FTC's Emergency Motion for *Ex Parte* Temporary Restraining Order ("TRO
7 Motion"), and in support of the FTC's Emergency *Ex Parte* Motion To Temporarily Seal Docket
8 and Entire File ("Seal Motion").

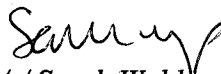
9 4. Pursuant to Local Rule 7-4, emergency motions must be accompanied by a
10 declaration describing: (a) the nature of the emergency; (b) the office addresses and telephone
11 numbers of the movant and all affected parties; and (c) a statement of the movant certifying facts
12 related to the meet-and-confer process and notification of other parties.

13 5. The FTC files its TRO Motion and Seal Motion under Local Rule 7-4 because the
14 Commission seeks a temporary restraining order ("TRO"), issued without notice to the
15 defendants, to stop ongoing consumer fraud and to preserve evidence and assets during the
16 pendency of litigation. As described more fully in the FTC's TRO Motion and Seal Motion, and
17 exhibits and papers filed in support, defendants run a deceptive online sales operation. Their
18 scheme lures consumers in with offers of cheap, "risk-free" trial products; uses this lure to obtain
19 consumers' credit-card information; then charges consumers hundreds of dollars each month
20 without consumers' consent. The FTC's requested TRO would stop this scheme, freeze
21 defendants' assets, and institute a receivership and expedited discovery to prevent defendants
22 from destroying evidence. The FTC seeks this relief on an emergency basis both to halt ongoing
23 fraud, and because execution of the proposed TRO will require carefully timed coordination
24 between teams of FTC attorneys, forensic analysts, receivership personnel, and local law
25 enforcement in two states. If the Court grants the FTC's emergency motions quickly, these
26 teams are prepared to execute the proposed TRO within approximately 48 hours of issuance of
27 the order.
28

1 6. The movant's office address and telephone numbers are: Sarah Waldrop and
2 Michelle Schaefer, representing plaintiff Federal Trade Commission, 600 Pennsylvania Ave.
3 NW, Mailstop CC-9528, Washington, DC 20580, 202-326-3444 (Waldrop), 202-326-3515
4 (Schaefer). Other affected parties include the 62 defendants named in the FTC's Complaint and
5 TRO Motion. These defendants use mail forwarding services spread across several states as
6 their publicly listed addresses, but they operate their business from warehouses in Nevada (7565
7 Commercial Way, Unit E, Henderson, NV, 89011; and 7350 Eastgate Road, #140, Henderson,
8 NV, 89011) and offices in Colorado (6020 Lookout Road, Boulder, CO, 80301; and 2011 Cherry
9 St., Suite 202, Louisville, CO, 80027). Their telephone numbers are unknown.

10 7. As described more fully in the FTC's TRO Motion and Seal Motion, and papers
11 filed in support, the FTC has not contacted or attempted to contact the defendants, and instead
12 seeks *ex parte* relief to preserve evidence and defendants' assets. The defendants' past efforts to
13 evade law enforcement include elaborate money transfers, misrepresentations to investigators, a
14 nesting-doll corporate structure, use of employees as fronts, and the creation of "dummy"
15 websites. If defendants become aware of the FTC's case before the FTC can secure defendants'
16 records and assets, there is substantial risk that defendants might conceal or dissipate assets or
17 destroy documents, frustrating the FTC's law enforcement efforts and the Court's ability to
18 provide restitution to the victims of defendants' unlawful scheme. The FTC therefore has not
19 conducted a meet-and-confer with the defendants and seeks emergency *ex parte* issuance of a
20 TRO and order to temporarily seal the docket and entire file, pending service and execution of
21 the TRO.

22
23 Dated: July 24, 2017

24 
25 /s/ Sarah Waldrop
26 Sarah Waldrop
27
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